

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

1202a

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on 04/03/2008

Signature /Jamic Cameron/Typed or printed name Jamic Cameron

Application Number

10/678,876

Filed

October 3, 2003

First Named Inventor

Minh D. Khuc

Art Unit

2616

Examiner

Tri H. Phan

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.
/Shannon L. Silversmith/
☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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04/03/2008

Date

Registration number if acting under 37 CFR 1.34 _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Minh Duy Khuc

Confirmation No.: 1277

Application No.: 10/678,876

Group No.: 2616

Filed: 10/03/2003

Examiner: Tri H. Phan

For: CALL CENTER COMMUNICATIONS SYSTEM FOR HANDLING CALLS TO
A CALL CENTER

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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the Advisory Action dated February 19, 2008, the Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. A Notice of Appeal under 37 C.F.R. § 41.31(a)(1) is being filed herewith. The review is requested for the reasons provided in the following remarks.

REMARKS

Claims 1-27 are pending in the application. Claims 1-27 currently stand rejected. The Applicant respectfully requests consideration of the following remarks and allowance of the claims.

35 U.S.C. § 102(b) Rejection

Claims 1, 2, 6, 7, 9-11, 13, 15, 16, 20-24, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,483,527 (Doshi). The Applicant respectfully disagrees and believes such allegations represent clear error in establishing a *prima facie* rejection under 35 U.S.C. § 102(b).

Claim 1 recites, in part, receiving signaling for a voice call and processing the signaling to generate a query to a call center. The query is transmitted to the call center and a query response is received wherein the query response includes a packet address. Communications for the voice call are transferred to the call center in packets including headers having the packet address.

In the recent Final Office Action, the Examiner equates receiving a query response in claim 1 with both receiving a control instruction in the terminal adaptor (Final OA, p. 3, lines 7-9) and receiving a call complete message (Final OA, p. 7, lines 5-6). The Applicant respectfully disagrees with this characterization of the prior art because neither the control instruction nor the call complete message includes a packet address.

In the recent Advisory Action, the Examiner again asserts that the control instructions received in the terminal adaptor in Doshi are equivalent to a query response in claim 1 (AA, p. 2). However, the Applicant respectfully disagrees with this assertion because the control instructions do not include a packet address for transferring communications to a call center, as required by claim 1.

The control instructions in Doshi merely instruct the terminal adaptor to accumulate or not accumulate data received via a particular trunk (Doshi, col. 10, lines 13-21). The terminal adaptor uses a predetermined table to select the appropriate VCIs and VPIs according to a selected trunk and trunk group address (Doshi, col. 7, lines 25-28). Mapping to the predetermined table is performed in the terminal adaptor, and thus,

the control instructions received in the terminal adaptor do not contain VCI and VPI information.

Further, the call complete message in Doshi does not include a packet address for transferring communications, as required by claim 1. The call complete message in Doshi indicates that telephone line 70 is not busy (Doshi, col. 5, lines 39-41). Switch 220 then performs routing functions in response to the call complete message (Doshi, col. 5, lines 42-62). Doshi does not disclose that the call complete message comprises a selected trunk and trunk group address as indicated by the Examiner (Final OA, p. 7, line 5-7). Rather, CO 25 in Doshi sends a call setup message (IAM) containing identifiers identifying the trunk and associated trunk subgroup (Doshi, col. 4, lines 39-44).

Therefore, the Examiner's mischaracterization of the control instructions and the call complete message in Doshi is clear error and the *prima facie* elements of the 35 U.S.C. § 102(b) rejection have not been met for claim 1. Claim 1 is therefore allowable in view of Doshi.

Independent claim 15 contains limitations similar to claim 1 and is therefore allowable over the art of record for the same reasons as claim 1. While separately allowable over the art of record, the remaining dependent claims depend from otherwise allowable independent claims. The Applicant therefore refrains from a discussion of the dependent claims.

35 U.S.C. § 103(a) Rejections

Claims 3-5, 8, 12, 14, 17-19, 25, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,483,527 (Doshi). A discussion of this rejection is obviated in view of the discussion above distinguishing Doshi.

CONCLUSION

Based on the above remarks, the Applicant submits that the claims in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims.

The Applicant hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 41.20(b)(1) for the Notice of Appeal filed herewith, and the fee under 37 C.F.R. § 1.17(a)(1) for a one-month extension of time. The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

/Shannon L. Silversmith/

SIGNATURE OF PRACTITIONER

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